

May 11, 1928.

[H. R. 5531.]

[Public, No. 365.]

CHAP. 522.—An Act To amend the provision contained in the Act approved August 29, 1916, relating to the assignment to duty of certain officers of the United States Navy as fleet and squadron engineers.

Navy.
Engineering duty.
Vol. 39, p. 580,
amended.

Matter stricken out.

Matter substituted.

Assignment of line
officers for engineering
duty only, upon applica-
tion therefor.

Duties.

Vol. 30, p. 1005.

Assignment as fleet
or squadron engineers
or officers of ships,
of commanders and
above.

Provisions.
Status in line re-
tained.

Number of assign-
ments in any year.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Act approved August 29, 1916 (Thirty-ninth Statutes at Large, page 580), relating to the assignment to duty of commanders of the Navy as fleet and squadron engineers are hereby amended by striking out the clause "except that commanders may be assigned to duty as fleet and squadron engineers," appearing in lines 8 and 9 of said Thirty-ninth Statutes at Large, page 580, and by substituting therefor the following: "except that, upon their own request, such officers of the ranks of commander and above may be assigned to sea duty as fleet or squadron engineers or as engineer officers of ships," so that said provision will read as follows:

"Officers of the line of the Navy not below the grade of lieutenant may, upon application, and with the approval of the Secretary of the Navy, be assigned to engineering duty only, and that when so assigned and until they reach the grade of commander, they shall perform duty as prescribed in section 4 of the Personnel Act approved March 3, 1899, and thereafter shore duty only as now prescribed for officers transferred to the line from the former Engineer Corps, except that, upon their own request, such officers of the ranks of commander and above may be assigned to sea duty as fleet or squadron engineers or as engineer officers of ships: *Provided*, That when so assigned they shall retain their place with respect to other line officers in the grades they now or may hereafter occupy, and also the right to succession to command on shore in accordance with their seniority, and shall be promoted as vacancies occur subject to physical examination and to such examination in engineering as the Secretary of the Navy may prescribe: *Provided further*, That the number of officers so assigned in any one year shall be in accordance with the requirements of the service as determined by the Secretary of the Navy."

Approved, May 11, 1928.

May 11, 1928.

[H. R. 5465.]

[Public, No. 366.]

CHAP. 523.—An Act To amend section 1571 of the Revised Statutes to permit officers of the Navy to count duty on airships as sea duty.

Navy.
Sea duty.
R. S., sec. 1571,
p. 269, amended.
Duty of officers on
airships equivalent to
sea duty.
U. S. Code, p. 1107.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1571, Revised Statutes, is hereby amended by changing the period at the end of said section to a colon and by adding thereto the following: "*Provided*, That when officers are assigned to airships on duty requiring them to participate regularly and frequently in aerial flights the Secretary of the Navy shall determine and certify whether or not, in his judgment, the service to be performed is equivalent to sea duty. If such service is thus determined to be equivalent to sea duty, it shall be considered to be actual sea service on sea-going ships for all purposes."

Approved, May 11, 1928.

May 11, 1928.

[H. R. 21.]

[Public, No. 367.]

CHAP. 524.—An Act To provide for date of precedence of certain officers of the staff corps of the Navy.

Navy.
Precedence of line
officers transferred to a
staff corps.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any officer of the line of the Navy who, since July 1, 1923, has been transferred

to, and commissioned in, a staff corps of the Navy in the same rank as formerly held by him in the line, shall take precedence with, but next after, that officer of the line immediately above him in the Navy at the time of such transfer, which officer shall be assigned as his running mate for promotion purposes: *Provided*, That no back pay or allowances shall accrue to any officer by reason of the passage of this Act.

Proviso.
No back pay, etc.

Approved, May 11, 1928.

CHAP. 525.—An Act To authorize the appraisal of certain Government property, and for other purposes.

May 11, 1928.
[H. R. 5746.]
[Public, No. 368.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized to cause the property of the Government used under the contract of October 16, 1924, and renewals thereof, for the furnishing of electric current to the naval ordnance plant at South Charleston, West Virginia, to be appraised, as provided for in said contract, by three persons as a preliminary to the purchase of said property by the contractor, the three appraisers to consist of one person selected by the Secretary of the Navy, one by the contractor, and the third by the two first so selected, as stipulated in the contract. The person selected and detailed by the Secretary of the Navy for said purpose, who shall be an officer of the Navy, and such persons as may be detailed by the Secretary to assist him, shall serve without additional compensation, except travel and subsistence in accordance with law. One-half of the fee and expenses of the third appraiser, not in excess of \$10,000, as the Secretary may approve, shall be payable from the appropriation "Ordnance and ordnance stores," under the Navy Department, which is hereby made available for the purpose.

Navy.
South Charleston,
W. Va.
Appraisal and sale of
property furnishing
electricity to ordnance
plant at.

Selection of apprais-
ers.

Allowance for third
appraiser.

Approved, May 11, 1928.

CHAP. 526.—Joint Resolution Authorizing the erection of a flagstaff at Fort Sumter, Charleston, South Carolina, and for other purposes.

May 11, 1928.
[H. J. Res. 177.]
[Pub. Res. No. 41.]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is authorized and directed to select a suitable site and to permit the executors of the estate of Eliza Mackintosh Clinch Anderson Lawton to erect on public grounds of the United States at Fort Sumter, Charleston, South Carolina, a flagstaff, with appropriate landscape and architectural setting, and to place in connection therewith a memorial commemorating the defense of the fort by General Robert Anderson. The design and materials of the flagstaff and memorial shall be subject to the approval of the Secretary of War, with the advice of the Commission of Fine Arts. The United States shall be put to no expense in or by the erection of such flagstaff and memorial. Upon completion thereof the Secretary of War is authorized and directed to accept, on behalf of the United States, the flagstaff and memorial, in lieu of the legacy in the will of Eliza Mackintosh Clinch Anderson Lawton, providing for the erection of a statue of General Robert Anderson at Fort Sumter.

Fort Sumter, S. C.
Erection of flagstaff,
etc., at, in commemo-
ration of defense there-
of by General Robert
Anderson.

Approval, etc.

Acceptance in lieu of
legacy for a statue.

Approved, May 11, 1928.